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The regulation of vessel-source pollution in the Straits of Malacca and Singapore

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**THE REGULATION OF VESSEL-SOURCE POLLUTION IN THE STRAITS
OF MALACCA AND SINGAPORE**

A thesis submitted in fulfilment of the
requirements for the award of the degree

MASTER OF MARITIME STUDIES (RESEARCH)

from

UNIVERSITY OF WOLLONGONG

By

AMELIA EMRAN, LLB (Hons) (Malaysia)

**AUSTRALIAN NATIONAL CENTRE FOR OCEAN
RESOURCES AND SECURITY**

2007

CERTIFICATION

I, Amelia Emran, declare that this thesis, submitted in fulfilment of the requirements for the award of Master of Maritime Studies, in the Australian National Centre for Ocean Resources and Security, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. This document has not been submitted for qualifications at any other academic institution.

Amelia Emran
14 August 2007

ABSTRACT

The high volume of traffic passing through the Straits of Malacca and Singapore continuously exposes the Straits to the problem of vessel-source pollution, particularly oil pollution. As a strait used for international navigation under the United Nations Convention on the Law of the Sea 1982 (LOSC 1982), regulation of vessel-source pollution by the littoral States are confined within the provisions of the LOSC 1982.

The thesis examines the provisions of the LOSC 1982 with regard to the prescriptive and enforcement powers of strait States to address vessel-source pollution in straits used for international navigation. As a case study, the thesis analyses the Malaysian domestic legislative framework to implement the relevant LOSC 1982 provisions in the Malaysian part of the Strait of Malacca. The thesis also examines the existing cooperative arrangements in the Straits of Malacca and Singapore pursued under the provisions of the LOSC 1982 and the extent to which they address vessel-source pollution in the Straits.

The thesis concludes that strait States are granted by the LOSC 1982, very limited prescriptive and enforcement jurisdiction to regulate vessel-source pollution in straits used for international navigation. In the context of the Straits of Malacca and Singapore, the thesis establishes the gaps in Malaysia's implementation of the provisions of the LOSC 1982 in the Malaysian part of the Strait of Malacca. The thesis also establishes that cooperation has yet to fully materialise in the Straits of Malacca and Singapore and even where it is pursued, focus is on navigational safety issues rather than the problem of vessel-source pollution in the Straits.

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ACRONYMS

AIS	Automatic Identification System
ASEAN	Association of Southeast Asian Nations
ASEAN-OSPAR	Oil Spill Preparedness and Response in the ASEAN Region Project
ASEAN-OSRAP	ASEAN-Oil Spill Response Action Plan
BBL	Barrels
BIMCO	Baltic and International Maritime Council
CLC	International Convention on Civil Liability and Pollution Damage
COLREG	Convention on the International regulations for Preventing Collisions at Sea
ECDIS	Electronic Chart Display and Information System
ENCs	Electronic Navigational Charts
EQA	Environmental Quality Act
D.W.	Dead Weight
D.W.T.	Dead Weight Tonnage
FUND	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage
GIS	Geographic Systems
HNS	Hazardous and Noxious Substances
IMCO	International Maritime Consultative Committee
IMO	International Maritime Organization
ICJ	International Court of Justice
ICS	International Chamber of Shipping
IHO	International Hydrographic Organization
INTERCARGO	International Association of Dry Cargo Shipowners
INTERTANKO	International Association of Independent Tanker Owners
ITF	International Transport Workers' Federation
LEG	Legal Committee
LNG	Liquefied Natural Gas
LOSC	Law of the Sea Convention
MARPOL	International Convention for the Prevention of Pollution from Ships
MEH	Marine Electronic Highway
MEPC	Marine Environment Protection Committee
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSA	Merchant Shipping (Oil Pollution) Act
MSO	Merchant Shipping Ordinance
RES	Resolution
SOLAS	International Convention for the Safety of Life at Sea
STCW	International Convention on Standards of Training Certification and Watchkeeping for Seafarers
STRAITREP	Mandatory Ship Reporting System
TTEG	Tripartite Technical Experts Group on the Safety of Navigation in the Straits of Malacca and Singapore
UNCLOS	United Nations Conference on the Law of the Sea
VLCCs	Very Large Cruise Carriers

ULCCs
VTs

Ultra Large Cruise Carriers
Vessel Traffic Services

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